

ORDINANCE NO. 11-13

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TEMPORARY WAIVER OF PLAT ON CONDITION THAT THE PROPERTY IS PLATTED WITHIN 18 MONTHS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND GRANTING A VARIANCE PERMIT TO ALLOW ONE SINGLE FAMILY HOME ON A SUBSTANDARD-SIZED LOT HAVING A WIDTH OF 45.02 FEET, WHERE A MINIMUM AVERAGE WIDTH OF 75 FEET IS REQUIRED, A TOTAL AREA OF 4,500 SQUARE FEET, MORE OR LESS, WHERE A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET IS REQUIRED, AND A CORNER SIDE SETBACK ABUTTING THE STREET OF 10.16 FEET, WHERE 15 FEET ARE REQUIRED; AND TO ALLOW ONE SINGLE FAMILY HOME ON A SECOND SUBSTANDARD-SIZED LOT HAVING A WIDTH OF 39 FEET, WHERE A MINIMUM AVERAGE WIDTH OF 75 FEET IS REQUIRED, A TOTAL AREA OF 3,900 SQUARE FEET, MORE OR LESS, WHERE A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET IS REQUIRED, CONTRA TO HIALEAH CODE §§ 98-499 AND 98-501. **PROPERTY LOCATED AT 590 EAST 7 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 9, 2011, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a temporary waiver of plat on condition that the property is platted within 18 months from the effective date of this Ordinance.

Section 2: The below-described property is hereby granted a variance permit to allow one single-family home on a substandard-sized lot having a width of 45.02 feet,

where an average width of 75 feet is required, a total area of 4,500 square feet, more or less, where a total area of at least 7,500 square feet is required, and a corner side setback abutting the street of 10.16 feet, where 15 feet are required, and to allow one single-family home on a second substandard-sized lot having a width of 39 feet, where an average width of 75 feet is required, and a total area of 3,900 square feet, more or less, where a total area of at least 7,500 square feet is required, contra to Hialeah Code §§ 98-499 and 98-501, which provide in pertinent part: “The minimum building site in the R-1 one-family district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family. Such parcels or lots shall have an average width of at least 75 feet and shall also have a minimum average depth of 100 feet. ”, and “For a corner lot, the side yard parallel abutting the street shall not be less than 15 feet.” respectively. Property located at 590 East 7 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 9, IN BLOCK 7, OF MARJOHN PARK,
ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 47, AT PAGE 97, OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not

to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

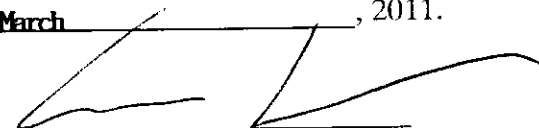
Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

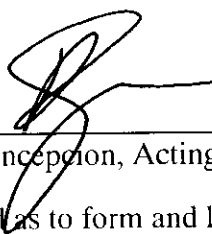
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

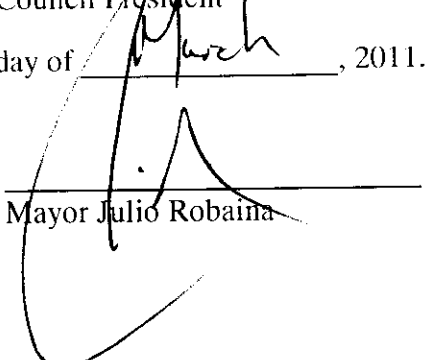
PASSED and ADOPTED this 8th day of March, 2011.


Carlos Hernandez
Council President

Attest:

Approved on this 11th day of March, 2011.


David Concepcion, Acting City Clerk


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney